

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF
NEW YORK

UNITED STATES SECURITIES
AND EXCHANGE

Plaintiff(s),

| |
|----------------------|
| USDC SDNY |
| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: |
| DATE FILED: 6-8-16 |

15 -cv- 7116(PKC)

-against-

SCHEDULING ORDER

Benjamin Wey, et al.

Defendant(s).

X

CASTEL, District Judge:

WHEREAS, defendant(s) has/have expressed an intent to move to dismiss the complaint pursuant to Rule 12(b)(6), Fed. R. Civ. P., on the basis set forth in a pre-motion letter.

WHEREAS, plaintiff(s) has/have been afforded the opportunity to amend the pleading in response to the pre-motion letter, but does not wish to do so.

NOW, therefore, as a result of a Rule 16 conference held today, the following is

ORDERED:

NEWMAN UCHIMOTO AND ERBER

1. Defendant(s) may file ^{their} motion to dismiss by June 29, 2016.

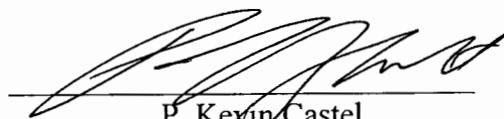
Plaintiff(s) shall respond to the motion by July 22, 2016. Any reply by defendant(s) shall be filed by August 4, 2016. Mr. Wey's time to move is stayed.

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2. Rule 16(b)(3)(A) provides that a Court's "scheduling order must limit the time to . . . amend the pleadings. . . ." Pursuant to that authority, the Court hereby limits the time to amend the complaint as of right or move to amend to the later of the following: (a) the date to amend as of right under Rule 15, Fed. R. Civ. P.; or (b) 21 days from the filing of the motion to

dismiss.
SO ORDERED.

This provision shall not apply to any motion based upon newly discovered facts, as distinguished from refinement of legal theories or supplementation with facts already known.



P. Kevin Castel
United States District Judge

Dated: New York, New York

~~April 6, 2016~~
June 8, 2016